

4:17-cv-1473

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United States Courts  
Southern District of Texas  
FILED

OCT 31 2017

David J. Bradley, Clerk of Court

October 26, 2017

The Honorable Kenneth M. Hoyt  
c/o Cynthia Horace  
Case Manager  
United States District Clerk  
P. O. Box 61010 Houston, TX 77208-1010

RE: I59 at Wheeler Street Illegal Encampment

Your Honor:

We purchased our townhome, located on the corner of Rosedale and Caroline, in 2012, in order that Dr. Driver might have a pleasant commute to his practice at M.D. Anderson Cancer Center. We fell in love with the beautiful neighborhood, with its towering old oak trees, quiet and wide streets, and esplanades. When we moved into our home, the current encampment did not exist, nor did we ever see criminal trespassers or vagrants roaming our streets; otherwise, we would not have purchased a home here.

Beginning about 18 months ago, we observed a rather large influx of transients living under the 59 overpass at Main Street and also in the Main Street Baptist Church park, fountain, and surrounding areas. These vagrants did not have the demeanor of those one considers *homeless* (those who have a desire to get off the streets), but were aggressively panhandling, openly buying and selling drugs and alcohol, extensively littering the area, and bathing in the fountain. About a year ago, the area under the Main Street overpass was fenced off, presumably by TXDoT, and the outreach ministry at the MSBC park ended (the park was enclosed with a fence), resulting in the transient community moving east, where they have now taken up residence (two blocks from our home).

Since that time, the transient community has grown dramatically, creating an unhealthy and dangerous environment for themselves and hard-working, law-abiding, tax-paying property owners. They have harassed neighbors, used our properties (from the underpass all the way to Hermann Park) as their toilets thus creating biohazards, conducted a very lucrative drug trade (I have witnessed *many* drug sales and I've seen huge wads of cash in the hands of the drug "salesmen"), committed lewd acts in public, committed murder and multiple injurious attacks, threatened neighbors and media with guns and bats, committed prostitution, committed burglaries and robberies, and established a campground directly beneath a State of Texas sign that specifically prohibits camping, fires, and other activities in that location.

This transient community has threatened, intimidated, harassed, destroyed and stolen personal property, and otherwise brazenly flaunted their behavior in increasingly frightening and aggressive ways over the course of the past year. Homeowners in the area have repeatedly appealed to City Council, the mayor, our Councilmember Boykins, the MPNA board, and TXDoT, to no avail. Just this past Friday and

Saturday, a man was stabbed and another shot and killed in the area. Sunday night, October 22, we clearly heard ten to twelve shots fired from the area, fearing for our safety. Neighbors reported shots fired, however there was no significant response to their calls for help, even following a murder the night before. This past summer saw two others murdered in the immediate area of the encampment. A young, mentally ill man has been repeatedly beaten by transients living in the encampment. Emergency calls are made reporting transients hallucinating or lying, unconscious, on sidewalks and in the streets. I have made three calls in the last six months, including one for an unconscious transient in front of my home.

By their inaction, the City of Houston and TXDoT has shown preferential treatment to a group of criminal transients over decent, law-abiding citizens by continually refusing to ameliorate or otherwise bring relief to area residents and by simply refusing to enforce the laws. Neighbors whose homes about the encampment are especially distressed over unsanitary conditions, overt criminal activity, and declining property values, and businesses are suffering a decrease in activity. We fear for our safety. We fear for our investments. We fear for the *children and animals* that are living in the encampment. We fear for those traveling the area who could be wounded or killed by shots being fired by those who have free reign to conduct their criminal activities. ***We are afraid and we are angry.***

This issue *is not* about gentrification, race, or rich versus poor, as some groups, including the ACLU have depicted. ***The majority of the inhabitants of the encampment are not poster children for the homeless***, but those few who are should never be abandoned by their city and state leaders to live in filth and daily danger. Many of our neighbors, including us, volunteer in and/or support homeless shelters around Houston. We are not lacking compassion, but we have been belittled, debased, and grossly mischaracterized by Houstonians who leave the relative safety, peace, and beauty of their own neighborhoods to drop off food, water, and tents, unaware of the level of depravity, inhumanity, and criminality occurring here – an environment they help perpetuate.

Everything I have reported here, with the exception of the murders, I have witnessed. *Repeatedly*. I now drive out of my way to avoid the area. I drive the extra mile to grocery shop and use the post office, but I can't avoid it when I walk out my front door to encounter someone passed out, high, or defecating in front of my home. We, our neighbors, their children, our families and friends have been exposed to the basest behavior and criminal activity. We have suffered harm. We are praying that a Hepatitis A outbreak will not occur in our neighborhood as a result of the countless unsanitary biohazards.

The "homeless" plaintiffs represented by the ACLU are not homeless, they choose to live on the streets of Houston, and they choose to continually flaunt the law. Unfortunately, they have become our neighbors and we have gotten to know them well. We are helpless, hopeless, and ***begging*** you for help. It is we who are the victims.

Sincerely,



Larry and Virginia Driver

Cc: Houston City Council Members; Mayor Sylvester Turner; Media  
Commissioner R. Bruce Bugg, Jr., TXDoT

To the Honorable Judge Kenneth M. Hoyt:

Your Honor, I believe the attached letter should be considered when hearing the ACLU's case against the City of Houston concerning the illegal (State law) encampment under the I59 overpass at Wheeler Street. My husband and I are residents in the neighborhood, and present our side of the story therein.

Thank you for your kind attention,

Virginia Driver

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